

How Do Other States Handle Juvenile Sex Offenders?

Idaho, Missouri and North Carolina only require registration until juvenile reaches 18 or 21 (though there are procedures that may allow longer registration).

In North Carolina., a judge determines whether juvenile is required to register or not in all cases.

Ohio and Texas have procedures for review to remove juveniles from requirement to register.

The following information was gathered from the Idaho and Missouri state websites, the North Carolina Attorney General's website, as well as, the Texas and Ohio state statutes.

IDAHO

Background:

In 1998, the Legislature enacted Senate Bill 1298, the "Juvenile Sexual Offender Registration, Notification and Community Right-to-Know Act." Previously, only juveniles convicted as adults were subject to sex offender registration. The juvenile registration law, effective July 1, 1998, is codified as Chapter 84, Title 18, Idaho Code (sections 18-8401 through 18-8314). See Appendix B for the text.

Highlights of the juvenile registration program include:

- Registration of juvenile sex offenders who are between the ages of 14 and 18 at the time of the offense.
- Initial registration at time of adjudication or release from incarceration.
- Annual registration.
- **Automatic purge from the registry at age 21.**
- Provision for transferring a juvenile sex offender to adult registry.
- Public access to named juvenile registry records and lists of registered offenders by city, county or zip code.
- Public requests for information may be obtained from the ISP web site or handled by local sheriff, as well as central registry at ISP.

A juvenile sex offender is required to comply with registration requirements until reaching the age of 21. The prosecutor may petition the court to transfer a registered juvenile sex offender at age 21 to the adult registry, if the person is likely to pose a threat to the safety of others. **If no petition is filed, the juvenile offender's record will be deleted from the central registry at age 21.**

MISSOURI

The requirement that a juvenile register as a sex offender terminates when the juvenile offender reaches age 21 years, unless the juvenile offender is required to register as an adult pursuant to Section 589.400, RSMo.

NORTH CAROLINA

Background:

Juveniles adjudicated delinquent in North Carolina are subject to Part 4 “Registration of certain juveniles adjudicated delinquent for committing certain offenses.”

Highlights:

1. Registration Requirement

N.C.G.S. §§ 7B-2509, 14-208.26 [1997 S.L. 516; 1999 S.L. 363]

Whenever a juvenile, who is at least eleven (11) years-of-age at the time of the commission of the offense, is adjudicated delinquent for one of offenses listed below, the court shall consider whether the juvenile is a danger to the community.

N.C.G.S. § 14-27.2 First Degree Rape

N.C.G.S. § 14-27.3 Second Degree Rape

N.C.G.S. § 14-27.4 First Degree Sexual Offense

N.C.G.S. § 14-27.5 Second Degree Sexual Offense

N.C.G.S. § 14-27.6 Attempted Rape/Sexual Offense (Repealed in 1994)

This also includes the attempt, conspiracy, or solicitation of another to commit any of the preceding offenses, and, aiding and abetting of any of the preceding offenses. If the presiding judge determines the juvenile is a danger to the community, the court must then consider whether the juvenile should be required to register with the county sheriff.

A juvenile may only be **required to register if the court first determines the juvenile is a danger to the community**. If the judge issues an order that the juvenile must register, the presiding judge shall conduct the notification procedures, as specified for adults. The chief court counselor of that district must then file the registration information for the juvenile with the appropriate sheriff.

4. Juvenile Registration Information is Not Public Record

N.C.G.S. § 14-208.29 [1997 S.L. 516; 2008 S.L. 117]

Juvenile registration information is not public information, and is not available for public inspection. The registration information of a juvenile offender must be maintained separately by the sheriff and released only to law enforcement agencies. Under no circumstances shall the registration of a juvenile adjudicated delinquent be included in the county or statewide registries, or be made available to the public via the Internet.

5. Termination of Registration Requirement

N.C.G.S. § 14-208.30 [1997 S.L. 516]

The requirement that a juvenile register automatically terminates on the juvenile's eighteenth (18) birthday, or when the juvenile court's jurisdiction with the juvenile ends, whichever comes first.

OHIO

2152.84 Hearing to review effectiveness of disposition and of any treatment.

- (A)(1) When a juvenile court judge issues an order under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code that classifies a delinquent child a juvenile offender registrant and specifies that the child has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, upon completion of the disposition of that child made for the sexually oriented offense or the child-victim oriented offense on which the juvenile offender registrant order was based, the judge or the judge's successor in office shall conduct a hearing to review the effectiveness of the disposition and of any treatment provided for the child, to determine the risks that the child might re-offend, to determine whether the prior classification of the child as a juvenile offender registrant should be continued or terminated as provided under division (A)(2) of this section, and to determine whether its prior determination made at the hearing held pursuant to section 2152.83 1 of the Revised Code as to whether the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender should be continued or modified as provided under division (A)(2) of this section.
- (2) Upon completion of a hearing under division (A)(1) of this section, the judge, in the judge's discretion and after consideration of all relevant factors, including but not limited to, the factors listed in division (D) of section 2152.83 of the Revised Code, shall do one of the following as applicable:
- (a) Enter an order that continues the classification of the delinquent child as a juvenile offender registrant made in the prior order issued under section 2152.82 or division (A) or (B) of section 2152.83 of the Revised Code and the prior determination included in the order that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable;
 - (b) If the prior order was issued under division (B) of section 2152.83 of the Revised Code, enter an order that contains a determination that the delinquent child no longer is a juvenile offender registrant and no longer has a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. An order issued under division (A)(2)(b) of this section also terminates all prior determinations that the child is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender, whichever is applicable. Division (A)(2)(b) of this section does not apply to a prior order issued under section 2152.82 or division (A) of section 2152.83 of the Revised Code.

TEXAS

Exemptions from Registration for Certain Juveniles

Subchapter H, Art. 62.351. Motion & Hearing Generally:

- (a) During or after disposition of a case under Section 54.04, Family Code, for adjudication of an offense for which registration is required under this chapter, the juvenile court on motion of the respondent shall conduct a hearing to determine whether the interests of the public require registration under this chapter. The motion may be filed and the hearing held regardless of whether the respondent is under 18 years of age. Notice of the motion and hearing shall be provided to the prosecuting attorney.
- (b) The hearing is without a jury and the burden of persuasion is on the respondent to show by a preponderance of evidence that the criteria of Article 62.352(a) have been met. The court at the hearing may make its determination based on:
 - (1) The receipt of exhibits;
 - (2) The testimony of witnesses;
 - (3) Representations of counsel for the parties; or
 - (4) The contents of a social history report prepared by the juvenile probation department that may include the results of testing and examination of the respondent by a psychologist, psychiatrist, or counselor.
- (c) All written matter considered by the court shall be disclosed to all parties as provided by Section 54.04(b), Family Code.
- (d) If a respondent, as part of a plea agreement, promises not to file a motion seeking an order exempting the respondent from registration under this chapter, the court may not recognize a motion filed by a respondent under this article.

